

Appln. No.: 09/909,179
Amendment Dated June 7, 2004
Reply to Office Action of April 7, 2004

MATP-610US

Remarks/Arguments:

Claims 1-14 are pending in the above-identified application.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Scott (US 4,625,080). This ground for rejection is overcome by the amendments to claim 1. In particular, Scott does not disclose or suggest, "means for storing voice messages transmitted by said user through said means for communicating" and "means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data," as required by claim 1.

Scott concerns a hand-held portable programming unit used to program a video recorder over a telephone line. In Scott, once the user establishes telephone contact, he transmits the recording parameter data. The user does not enter the recording parameter data in response to prompts. Additionally, the user can not record voice messages. Thus, Scott does not disclose or suggest "means for storing voice messages transmitted by said user through said means for communicating" or "means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data." The subject invention represents an advantage over the system described in Scott because no hand-held programming unit is required. Because Scott does not disclose or suggest all of the limitations of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Scott.

Claims 3-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Scott. This ground for rejection is overcome by the amendment to claim 1 as discussed above. In particular, Scott does not disclose or suggest, "means for storing voice messages transmitted by said user through said means for communicating" or "means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data" as required by claim 1. Because Scott does not disclose or suggest all of the limitations of claim 1, claims 3-5 which depend from claim 1 are not subject to rejection under 35 U.S.C. § 102(b) in view of Scott.

Claims 7, 8, 10, and 11 were rejected under 35 U.S.C. § 102(b) as being anticipated by Scott. This ground for rejection is respectfully traversed. In particular, Scott does not disclose or suggest:

Appln. No.: 09/909,179
Amendment Dated June 7, 2004
Reply to Office Action of April 7, 2004

MATP-610US

"transmitting audio data to the user to prompt the user to transmit audio programming data"

as required by claim 7.

Scott concerns a hand-held portable programming unit used to program a video recorder over telephone lines. In Scott, once the user establishes telephone contact, he transmits the programming information from the hand-held portable programming unit. The user does not enter the programming information in response to prompts. Thus, Scott does not disclose or suggest "transmitting audio data to the user to prompt the user to transmit audio programming data." The subject invention represents an advantage over the system described in Scott because the subject invention requires no portable programming unit but instead allows the user to use a telephone to enter programming information in response to prompts. Because Scott does not disclose or suggest all of the limitations of claim 7, claim 7 and claims 8, 10, and 11, which depend from claim 7, are not subject to rejection under 35 U.S.C. § 102(b) in view of Scott.

Claims 12 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Scott. This ground for rejection is respectfully traversed. In particular, Scott does not disclose or suggest:

"transmitting a message from said automated answering machine to said user" *col 2*

as required by claim 12.

Scott concerns an answering machine that serves to provide only on hook and off hook operations. Scott does not disclose that this "answering machine" can record voice messages. It is not an "industry standard answering machine" (see ¶ [0021] of application of subject invention). Thus, Scott does not disclose or suggest "transmitting a message from said automated answering machine to said user." The subject invention represents an advantage over the system described in Scott because the message provides for a more user-friendly operation of the system. Because Scott does not disclose or suggest all of the limitations of claim 12, claim 12 and claim 13, which depends from claim 12, are not subject to rejection under 35 U.S.C. § 102(b) in view of Scott.

Appln. No.: 09/909,179
Amendment Dated June 7, 2004
Reply to Office Action of April 7, 2004

MATP-610US

Claim 2 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Scott and Shimada et al (US Re 35,343). This ground for rejection is overcome by the amendment to claim 1. In particular, neither Scott, Shimada et al, nor their combination discloses or suggests "means for storing voice messages transmitted by said user through said means for communicating" and "means for transmitting audio data to said user through said means for communicating to prompt said user to send recording parameter data" as required by claim 1.

Scott is described above. Shimada et al. describe a remote-controlling commander that sends command signals via infrared radiation. Accordingly, Shimada et al. do not provide the material that is missing from Scott. Consequently, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Shimada et al. and claim 2 which depends from claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Shimada et al.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Scott and Shimada et al. (US Re 35,343). This ground for rejection is respectfully traversed. In particular, neither Scott, Shimada et al., nor their combination discloses or suggests "transmitting audio data to the user to prompt the user to transmit audio programming data" as required by claim 7.

Scott and Shimada et al. are described above. Shimada et al. do not provide the material that is missing from Scott. Consequently, claim 7 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Shimada et al., and claim 9 which depends from claim 7 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Shimada et al.

Claim 14 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Scott and Shimada et al (US Re 35,343). This ground for rejection is respectfully traversed. In particular, neither Scott, Shimada et al., nor their combination discloses or suggests "transmitting a message from said automated answering machine to said user" as required by claim 12.

Scott and Shimada et al. are described above. Shimada et al. do not provide the material that is missing from Scott. Consequently, claim 12 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Shimada et al., and claim 14 which depends from claim 7 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Shimada et al.

Claim 6 was rejected under 35 U.S.C. § 103(a) as being obvious in view of Scott and Yuen et al. (US 6,430,359). This ground for rejection is respectfully traversed. In particular,

Appln. No.: 09/909,179
Amendment Dated June 7, 2004
Reply to Office Action of April 7, 2004

MATP-610US

neither Scott, Yuen et al., nor their combination discloses or suggests, "means, responsive to a predetermined dual-tone multi-frequency (DTMF) code for switching the device between operating as the telephone answering machine and as the video recorder programming device" as required by claim 6.

Scott is described above. Yuen et al. relates to using a DTMF signal to configure the hand-held programming device. It does not disclose nor suggest means for "switching the device between operating as the telephone answering machine and as the video recorder programming device" nor does it describe means for "transmitting audio data... to prompt said user to send recording parameter data, as required by claim 1, from which claim 6 depends. Accordingly, Yuen et al does not provide the material that is missing from Scott. Consequently, claim 6 is not subject to rejection under 35 U.S.C. § 103(a) in view of Scott and Yeun et al. for at least the same reasons as claim 1.

The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

In view of the foregoing amendment and remarks, Applicant requests that the Examiner reconsider and withdraw the rejection of claims 1-14.

Respectfully submitted,


Kenneth N. Nigon, Reg. No. 31,549
Attorney(s) for Applicant(s)

Dated: June 7, 2004

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via Facsimile Transmission to Facsimile No. 1-703-872-9306 addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 7, 2004


Tonya M. Berger

Page 10 of 10